

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems)
and Their Impact upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)
)

To: The Commission

OPPOSITION TO PETITION FOR RECONSIDERATION

Sangre de Cristo Communications, Inc. ("SCC"), licensee of television station KOAA(TV), NTSC Channel 5, Pueblo, Colorado, by its attorneys, and pursuant to 47 C.F.R. §1.429(f), hereby opposes the Petition for Reconsideration ("Petition") of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"), filed June 13, 1997, by Entravision Holdings, LLC ("Entravision").

Entravision proposes a change to the DTV Table of Allotments with respect to KOAA(TV) without adequate support or analysis of alternatives. SCC wholly supports the Commission's movement toward full implementation of digital television ("DTV") and applauds the Commission's efforts to bring this new television service to the American public. While sympathetic to the fact that Entravision's low power television ("LPTV") station provides an important service to the Spanish-speaking community, SCC urges the Commission to reject attempts by LPTV stations — such as licensed to Entravision — at this late stage to circumvent the full protection of full-service broadcasters.

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KOAA(TV) was assigned DTV Channel 27 in the *Sixth R&O*.^{1/} According to the Petition, Entravision's LPTV station in Pueblo, Colorado, KGHB-LP, Channel 27, would be displaced by the operation of KOAA(TV)'s DTV transmissions. In its petition, Entravision requests that KOAA(TV)'s DTV channel be reassigned to one of some 40 allotments and contends that this reassignment would be consistent with the Commission's standard for modifying the DTV Table — *i.e.*, that the modification result in "no new interference."

Entravision's purported showing that no new interference would be created by KOAA(TV)'s proposed reassignment is, however, utterly inadequate. It relies on a list, generated by another petitioner, of potential alternative channels that allegedly would not cause new or additional interference. Entravision provides no contours, no maps and no comparison to confirm that the modification would, in fact, cause no new interference. In effect, Entravision is attempting to use a completely unsupported list of supposed alternatives as *prima facie* evidence that its proposed modification is acceptable and to shift to KOAA(TV) the burden of demonstrating that the proposal is unacceptable. This burden-shifting approach would be inappropriate even if the petitioner were a full-power station. It is particularly inappropriate where, as here, the petitioner is a low power station. The Commission has consistently made clear throughout this proceeding that LPTV stations are to be accorded secondary status.

SCC believes that a more appropriate — and likely more successful — approach for Entravision would be for KGHB-LP to identify an alternate available channel for itself and

^{1/} SCC submitted a Petition for Reconsideration of the DTV Orders on June 13, 1997. In that petition, SCC sought to modify the coordinates of KOAA(TV). SCC did not seek a new DTV allotment with respect to KOAA(TV).

provide an adequate showing that such a proposal would create no new interference. The Commission's DTV Table was generated under the guiding policies of minimizing interference between and replicating coverage of full-power broadcasters. Rather than disturbing the Commission's optimized approach by asking full-power broadcasters to find new DTV channels, LPTV stations should identify available allotments for their own use. The Commission has gone to some effort in providing procedures for displaced LPTV stations to do just that in an attempt to mitigate the effect of the transition on low power stations.^{2/} Moreover, given the smaller coverage areas of LPTV stations, they are better positioned than full-power stations to find available allotment slots in a tight spectrum market. Entravision, however, considers the option of moving to another channel to be "unnecessary," though it does offer to do so.^{3/} Attempts to subordinate full-power broadcasters to LPTV demands for allotment modifications to full-power broadcasters should be rejected outright even if other allotments are unavailable to the low power station.

In sum, while SCC is sympathetic to the fact that KGHB-LP provides an important service to the Spanish-speaking community, and to efforts to mitigate the effect of the DTV transition on secondary, LPTV stations, Entravision's approach is not the way to achieve this objective. If Entravision wishes to remedy its potential displacement, it should find a feasible alternative for itself before seeking to force full-power stations to move to other channels and likely initiating a ripple of new interference across adjacent communities. Furthermore, it should also provide concrete evidence to show that any proposed

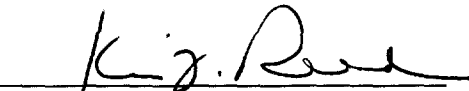
^{2/} See, *Sixth R&O* at ¶¶ 144-147.

^{3/} *Petition* at 6-7.

modification — whether of its channel assignment or that of another station — would, in fact, result in no new interference. For the foregoing reasons, SCC requests that the Commission reject the Entravision Petition for the reassignment of Channel 27 as the DTV allotment for KOAA(TV) in Pueblo, Colorado.

Respectfully submitted,

SANGRE DE CRISTO COMMUNICATIONS, INC.

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Dated: July 18, 1997

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Opposition of SCC was sent by first-class mail, postage prepaid, this 18th day of July, 1997, to each of the following:

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